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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,201

12/08/2005

Timothy Freeze

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PARKS KNOWLTON LLC
1117 PERIMETER CENTER WEST
SUITE E402
ATLANTA, GA 30338

EXAMINER

BUI, LUAN KIM

ART UNIT

PAPER NUMBER

3728

MAIL DATE

DELIVERY MODE

10/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,201	Applicant(s) FREEZE, TIMOTHY	
	Examiner Luan K. Bui	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 2, 5, 34-38 are finally rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, the phrase “with at least one gate that is substantially dimensioned and aligned” is incomplete and indefinite because it has no clear meaning. It is not clear that at least one gate is substantially and aligned with what?

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5-26 and 28-38 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (2003/0213721) in view of Leblong (5,758,774) or Williams-Hartman (2004/0182738). Jones discloses an apparatus (100, 300, 400) comprising an aperture panel (8) having at least one aperture (5), a blister tray (200) with at least some portion (3) of the tray protruding through the aperture panel, a gate panel (12) secured to the aperture panel with at least one gate (4, 41, 42) that is substantially dimensioned and aligned with the at least one aperture so that the at least one gate is substantially aligned with the at least one aperture when the gate panel is in contact with the aperture panel and a tab panel (7) secured to the aperture

Art Unit: 3728

panel with at least one substantially detachable tab (9) that is substantially dimensioned and aligned with the at least one gate so that a given the at least one detachable tab is substantially aligned with a corresponding the at least one gate when the tab panel is in contact with the gate panel. Jones also discloses the other claimed limitations except for a release agent being applied to the gate panel in the vicinity of the at least one gate to prevent adhesion thereof to a corresponding the tab.

Leblong shows an apparatus (10) comprising a first layer/blister tray (11), a second layer (12) secured to the first layer and a third layer/tab panel (17) secured to the second layer. The third layer having at least one detachable tab (27) and a release peel coating/release agent (column 2, lines 49-52) coated on a side in contact with the second layer to prevent permanent bonding between the second and third layers. Williams-Hartman teaches an apparatus comprising an aperture panel (201) having at least one aperture (202), a blister tray (100) with at least some portion of the tray protruding through the aperture panel and a gate panel (301) secured to the aperture panel with at least one gate (302, 303, 305) that is substantially dimensioned and aligned with the aperture. Williams-Hartman further teaches a release agent (304, paragraphs 0083 and 0084) applied to the gate panel in the vicinity of the at least one gate to prevent adhesion between the at least one gate to a seal (104). It would have been obvious to one having ordinary skill in the art at the time the invention was made in view of Leblong or Williams-Hartman to modify the apparatus of Jones so the apparatus includes a release agent applied to the gate panel in the vicinity of the at least one gate to prevent adhesion thereof to a corresponding the tab to facilitate removing the at least one tab from the gate panel.

As to claim 2, Jones discloses perforated region (4, 41, 42, paragraph 0017).

Art Unit: 3728

As to claims 3-4, Jones further discloses at least one display panel (6) secured to the aperture panel.

As to claim 5, Jones discloses the at least one tab (9) of the tab panel is not secured to the gate panel (paragraph 0018).

As to claim 6, Jones discloses at least one blister (3), an aperture panel (8), a gate panel (12) and a tab panel (7).

As to claims 7-11, see paragraphs 0015 and 0018.

As to claims 13 and 15, Jones discloses two sealed package trays 200 (paragraph 0017) which is considered equivalent to a backing on the at least one blister as claimed.

As to claim 17, Jones discloses the tab panel (7) includes a glue tab (10) disposed at a centre of the tab panel which attached to the gate panel which is considered equivalent to the tab panel is centrally glued to the gate panel as claimed.

As to claim 23, Jones discloses the tabs (9) have perforations (15) around edges of the tabs and have accessible ends for lifting the ends.

Claims 28-33 are drawn to the obvious method of using the apparatus of Jones as modified.

As to claims 34-37, Leblong or Williams-Hartman shows a single aperture panel, a single blister tray, a single gate panel and a single tab panel.

5. Claim 27 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 25 above, and further in view of Boone (4,870,764). The apparatus of Jones as modified further fails to show the aperture panel comprises opposite lateral

Art Unit: 3728

edges with the gate panel and the tab panel have later edges being joined respectively to the opposite lateral edges of the aperture panel.

Boone shows a package blank comprising an aperture panel (1) having at least one aperture (4) and opposite lateral edges, a gate panel (11) and a panel (3) having lateral edges joined respectively to the opposite lateral edges of the aperture panel. It would have been obvious to one having ordinary skill in the art in view of Boone to modify the Jones so the aperture panel comprises opposite lateral edges and the gate panel and the tab panel joined respectively to the opposite lateral edges of the aperture panel because the selection of the specific arrangement such as the arrangement of the aperture panel as claimed or discloses by Jones or Boone would have been an obvious matter of design choice inasmuch as the resultant structures will work equally well.

Response to Arguments

Applicant's arguments with respect to 8/12/2008 have been considered but are deemed to be moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

Art Unit: 3728

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luan K. Bui whose telephone number is 571-272-4552. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

lkb
October 10, 2008

/Luan K. Bui/
Primary Examiner
Art Unit 3728